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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,440	12/04/2000	Ronald F. D'Apuzzo	272/1	6209

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EXAMINER	
SWICKHAMER, CHRISTOPHER M	
ART UNIT	**PAPER NUMBER**
2662	6

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/729,440	D'APUZZO, RONALD F.	
	Examiner	Art Unit	
	Christopher M Swickhamer	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al (US 6,141,339).

- Referring to claim 1, Kaplan discloses an ATM switch in a service node for switching incoming combined data and dialed digits packets (Fig. 4), comprising: a session manager (separator) for recognizing and distinguishing between said data and dialed digits packets (col. 6, lns. 20-33-60, col. 15, lns. 20-60); an ATM switch (a router) for routing said data packets to an ATM network (packet switched network) and said dialed digits packets to a POTS (telephone) network; wherein said separator and said router are integrated in a service node (hardware platform) and controlled by a session manager (common program, col. 6, lns. 50-61, col. 15, lns. 19-col. 16, lns. 5). Fig. 2 shows the equipment in the user's residence. The user can establish voice or data connections or both over the ATM network. At the service node (Fig. 4), the session manager forwards the call to the appropriate destination, such as the POTS network or the core ATM network.

- Referring to claim 2, Kaplan discloses the switch of claim 1 wherein said program is a module of software running on a single CPU within said switch. The session manager inherently is a software program running on a CPU.

- Referring to claim 3, Kaplan discloses the switch of claim 1 further comprising a converter for translating said dialed digits packets from ATM (AAL2) protocol to SS7/IMT protocol (col. 7, lns. 25-35, col. 8, lns. 20-40). The session manager interfaces with the call/connection manager (CCM) to convert between the ATM messages to the SS7 messages. AAL2 is ATM Adaption Layer 2 used to transmit voice data over an ATM connection.

- Referring to claim 4, Kaplan discloses the switch of claim 3 wherein said converter is within said service node (single hardware) platform. The CCM converts between the SS7 and ATM messages (col. 9, lns. 5-35).

- Referring to claim 5, Kaplan discloses the switch of claim 4 wherein said converter is an integral part of said router. The converter (CCM) is integral to the service node of Kaplan.

- Referring to claim 6, Kaplan discloses the switch of claim 3 wherein said incoming dialed digits packets are in said ATM (AAL2) protocol (col. 5, lns. 25-35, col. 6, lns. 20-32, col. 8, lns. 20-40).

- Referring to claim 7, Kaplan discloses the switch of claim 3 further comprising means for utilizing said SS7/IMT protocol to interface said telephone network (col. 7, lns. 25-36).

- Referring to claim 8, Kaplan discloses the switch of claim 1 wherein said connection manager and ATM switch (separator is) are capable of separating voice packets from said data packets and said dialed digits packets (col. 3, lns. 40-50, col. 3, lns. 59-65, col. 5, lns. 23-48).

- Referring to claim 9, Kaplan discloses the switch of claim 7 wherein said router is capable of routing said voice packets to said telephone network (col. 15, lns. 20-60, on-net call from the residence, Fig. 2, to the POTS, Fig. 4).

- Referring to claim 10, Kaplan discloses the switch of claim 3 wherein said CCM (converter) is also capable of translating voice packets from said ATM (AAL2) protocol to said SS7/1MT protocol (col. 8, lns. 20-40, col. 15, lns. 45-60).

- Referring to claim 11, Kaplan discloses a method of switching combined data and dialed digits packets (col. 5, lns. 13-48, col. 6, lns. 20-33, col. 7, lns. 25-35), comprising: receiving at a service node (switch) said combined data and dialed digits packets (Fig. 2); separating between said data packets and said dialed digits packets; routing said data packets to an ATM (data) network and said dialed digits packets to a POTS (public switched telephone network) using SS7 signaling unique to said telephone network; wherein said steps of separating and routing are carried out by a session manager (common program) running on a CPU within said service node (switch, the session manager separates the different types of calls, i.e. data or voice, and routes the calls to the appropriate destination, col. 3, lns. 40-65, col. 4, lns. 34-col. 5, lns. 3, col. 6, lns. 50-61).

- Referring to claim 12, Kaplan discloses the method of claim 11 further comprising a step of translating said dialed digits packets from ATM (AAL2) protocol into SS7/IMT protocol (col. 7, lns. 25-35, col. 8, lns. 20-40). AAL2 is the Adaption Layer of ATM designed to transport voice.

- Referring to claim 13, Kaplan discloses the method of claim 12 wherein said step of translating is carried out by said Call/connection manager (common program, col.7, lns. 25-35, col. 8, lns. 54-64).

- Referring to claim 14, Kaplan discloses the method of claim 13 wherein said step of translating is carried out within said switch such that said dialed digits packet come out from said switch as being of SS7/1MT protocol (col. 8, lns. 54-64).

- Referring to claim 15, Kaplan discloses a method of transmitting dialed tone signaling over a network, comprising the steps of packetizing said dialed tone signaling into dialed digits packets (col. 6, lns. 21-33); multiplexing said dialed digits packets with data packets to form a combined packet stream and transmitting said stream to an ATM (integrated) switch (col. 3, lns. 59-62, col. 4, lns. 33-col. 5, lns. 5, Fig. 2 and 4); separating said dialed digits packets from said combined packet stream and routing them towards PSTN (Fig. 4, col. 7, lns. 25-35); within said call/connection manager (CCM) of the service node (integrated switch), translating said dialed digits packets into signaling of a SS7 protocol that is capable of interfacing PSTN (col. 7, lns. 25-35, col. 8, lns. 54-64); wherein said steps of separating, routing and translating are all implemented by a session manager (single hardware platform, col. 6, lns. 50-61).

- Referring to claim 16, Kaplan discloses the method of claim 15 wherein said steps of separating, routing and translating are all controlled by a session manager (single software module) running on a CPU within said service node (integrated switch, Fig. 4, col. 6, lns. 33-49).

- Referring to claim 17, Kaplan discloses the method of claim 15 further comprising a step of routing said data packets to an ATM packet data network (Fig. 4).

- Referring to claim 18, Kaplan discloses the method of claim 15 wherein said protocol capable of interfacing said PSTN is a SS7/IMT protocol (col. 7, lns. 25-35).

- Referring to claim 19, Kaplan discloses the method of claim 18 wherein said dialed digits packets are in an ATM (AAL2) protocol (col. 6, lns. 20-33, col. 8, lns. 20-40). AAL2 is the ATM adaption Layer used for transporting voice over an ATM connection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cumberton et al, US 6,282,191 B1. Methods and Apparatus for Transporting Narrowband (Voice) traffic over a Broadband (ATM) Network.
- DeNap et al, US 6,490,273 B1. Asynchronous Transfer Mode Architecture Migration.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
March 9, 2004

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